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April 7, 1998

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte

Re: PR Docket No. 92-235

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, this is to notify you that undersigned counsel, on behalf of UTC, The Telecommunications Association, presented the attached letter to the staff of the Wireless Telecommunications Bureau relating to implementation of the rules and policies adopted in the above-referenced docket. Although the attached letter does not directly address the merits of any outstanding issues in the above-referenced docket, UTC is filing a copy of the letter for inclusion in the record of this proceeding.

Two copies of this letter are submitted for filing.

If there are any questions concerning this matter, please let me know.

Very truly yours,

Jeffrey L. Sheldon
General Counsel

cc: Herbert W. Zeiler, FCC
Ira Keltz, FCC

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April 7, 1998

Mr. Herbert W. Zeiler
Deputy Chief
Public Safety and Private Wireless Division
Federal Communications Commission
2025 M Street, N.W. Room 8010
Washington, D.C. 20554

Re: Coordination of Channel-Splits

Dear Mr. Zeiler:

This is to follow-up on our conversation on the procedures to be followed by UTC when coordinating applications for private land mobile frequencies below 512 MHz, pursuant to the rules and policies adopted by the Commission in PR Docket No. 92-235.

At paragraph 11 of the Commission's Memorandum Opinion and Order in PR Docket No. 92-235, released December 30, 1996, the Commission stated that it would permit routine coordination and licensing of radio systems using subchannels of a 25 kHz channel:

11. . . . For example, a licensee could fit five 5 kHz channels within its existing 25 kHz bandwidth. Such a channelization, however, would require the licensee to deviate from the adopted band plan. Therefore, we will permit frequency coordinators to recommend frequencies inconsistent with the adopted band plan, for any technology, including 5 kHz, provided that such a system will not cause harmful interference to any existing system.

UTC has received inquiries from its members as to the procedures that UTC will use to coordinate these systems in accordance with the Commission's policy. UTC is aware that there is a formal petition for clarification of this policy pending before the agency. However, no request to stay this policy has been requested nor has a stay been granted. Therefore, UTC believes it is appropriate to move forward with the coordination and licensing of such systems, subject to any further clarification that may be forthcoming from the Commission.

Mr. Herbert W. Zeiler
April 7, 1998
Page Two

As a certified frequency coordinator, UTC has authority to recommend the most appropriate frequency for the applicant's intended use. (47 C.F.R. §90.175(a)). This is also implicit in the Commission's conclusion that coordinators may recommend frequencies inconsistent with the band plan provided harmful interference is not caused to any existing system. For existing systems where a licensee proposes to split an existing 25 KHz channel into two 12.5 channels, the "most appropriate frequency" would be the two channels centered 6.25 kHz above and below the current channel center, just as in the case of a proposal to split a channel into five 5 kHz channels, the channel centers will not correspond with the traditional band plan.

Therefore, when coordinating applications, pending any further clarification that may be forthcoming from the Commission, UTC proposes to handle such applications in the following manner:

- a. UTC will coordinate such "channel splits" only from licensees proposing to convert an existing 25 kHz system. The policy enunciated in paragraph 11 of the MO&O is premised on a licensee inserting multiple carriers "within its existing 25 KHz bandwidth."
- b. The split channels will be coordinated for licensing and use at the site(s) where they will be used, but UTC will coordinate the subcarrier assignments as if the licensee were proposing to use the full 25 kHz channel on the 25 kHz channel center at each site. That is, UTC will not take into consideration any additional protection to adjacent channel users that may be available because of the narrower bandwidths employed. In addition, UTC will expect each applicant to provide a showing which discusses the interference potential to adjacent channel users by reason of its use of narrowband equipment within channels allocated for wideband operation. This conservative approach to coordination will help ensure that no interference is caused to other existing users.
- c. UTC will expect the applicant to demonstrate that the split channels are actually part of a channel currently licensed to the applicant and will require all subchannels of the same channel to be licensed under the same call sign. This will help to verify that the split channels are actually "split" from an existing channel, and not new frequency assignments that should, under normal licensing circumstances, be coordinated and licensed on channel centers consistent with the bandplan.

Mr. Herbert W. Zeiler
April 7, 1998
Page Three

UTC believes that a coordinator's certification that the "split" channels are the "most appropriate frequencies" for the system should enable the application to be routinely processed without rule waiver. In this regard, we note that in Paragraph 11 of MO&O the Commission did not indicate that splitting an existing channel would require a rule waiver, even though it acknowledged that the subchannels would be on frequencies inconsistent with the adopted band plan.

UTC would appreciate receiving the Division's concurrence with UTC's suggested procedure for processing such applications pending any further clarification of this matter. Alternatively, if there are any other steps we should take to implement the policy enunciated in the MO&O, we would welcome your guidance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Sheldon', written over the closing 'yours'.

Jeffrey L. Sheldon
General Counsel

cc: Ira Keltz